NOTE to prospective students: This syllabus is intended to provide students who are considering taking this course an idea of what they will be learning. A more detailed syllabus will be available on the course Canvas site for enrolled students and may be more current than this sample syllabus.

AHE 582: Legal Issues in Higher Education – Summer

NOTE: Minor changes may be made to this draft; final will be posted on Canvas course site.
College of Education, Oregon State University
Community College Leadership - CCL
Summer session [8 Weeks, Online]
Credits: 3

Tom Scheuermann, M.A., J.D., Instructor
Instructor Email: tom.scheuermann@oregonstate.edu; phone: 541-737-3714

Course Description
Adult Education and Higher Education Leadership (AHE) 582 is an introduction to and exploration of common and significant legal issues and topics in higher education, specifically addressing the student services milieu in U.S. public and private community colleges, colleges and universities. The course provides an overview of the sources and origins of law, court systems, and the logistics of conducting of basic legal research and assessing legal and policy issues. AHE 582 provides an overview of several major content areas of education law and policy, including: torts and risk management; contracts; constitutional law including free speech and due process; employment law; collective bargaining; FERPA and student records law; and related topics and issues. AHE 582 is designed as a "first law course" for graduate students, and has no prerequisites. Students should, however, expect rigorous reading, challenging research and case presentation assignments, and robust online class discussions.

This course combines approximately 90 hours of instruction, online activities, and assignments for 3 credits.

Technical Assistance
If you experience computer difficulties, need help downloading a browser or plug-in, assistance logging into the course, or if you experience any errors or problems while in your online course, contact the OSU Help Desk for assistance. You can call (541) 737-3474, email osuhelpdesk@oregonstate.edu or visit the OSU Computer Helpdesk online.

Canvas
This course will be delivered via Canvas where you will interact with your classmates and with your instructor. Within the course Canvas site you will access the learning materials, such as the syllabus, class discussions, assignments, projects, and quizzes. To preview how an online course works, visit the Ecampus Course Demo. For technical assistance, please visit Ecampus Technical Help.

Measurable Student Learning Outcomes
Please see the Learning Outcomes listed for each Week (1-8), as well as the CCL Competencies, below.
CCL Competencies Addressed in this Course
Specific aspects of four of the eight Competencies are addressed, including Competencies:

4. Professional/Organizational Leader
   - Incorporates legal issues and professional ethics into professional decision making processes; separate personal values from professional decision making responsibilities. [2nd bullet]

6. User of Technologies
   - Use current technologies to increase effectiveness of instruction and scholarly activities.
   - [through the process of engaging in this online course]

7. Community College Leader
   - Establish college policies and procedures that protect faculty, staff, and student rights and responsibilities. [2nd bullet],
   - Analyze college structure, processes and policies for their impact on students and college student services [3rd bullet]

8. Community College Administrator/Manager
   - Be accountable for the protection of the institution under the law. [3rd bullet]

Instructor Profile -- Tom Scheuermann
I am a Graduate Faculty member and Instructor in the College of Education; and in the School of Language, Culture, and Society in the College of Liberal Arts; teaching and advising in both CCL and CSSA. In Community College Leadership (CCL), I teach [this] Legal Issues in Higher Education class and serve on student doctoral committees as well. I have served on the faculty of the College of Education since 1993. In CSSA, I teach courses in the law of higher education, and American higher education history; advise several students in the CSSA master's program each year; and engage in individual and collaborative scholarship. Courses I have taught in the past in CSSA include budget and finance, and organizational administration. I have taught AHE 582 in class (2013), and on line (2014 – present), and also guest presented in that course four prior years. In my professional associations, I have served on the ACUHO-I Foundation Board (1995-1998); and the faculty of the ACUHO-I* National Housing Training Institute (2004) and Chief Housing Officer Institute (2010). From 1992 - 2013, I was the Director of University Housing and Dining Services at Oregon State University, while also serving as a faculty member in the College of Education. More recently, I served as Interim Director of Housing and Community Life at Willamette University, from March through May 2016.

My research and writing focus on legal issues in higher education, race and employment issues, and supervision and management. Publications include articles in the Maryland Law Journal of Race, Religion, Gender and Class; the Journal of College and University Student Housing; and the ACUHO-I Talking Stick; as well as book chapters in ACUHO-I* and NASPA** publications. I have presented over 25 peer-reviewed/selected and invited programs on legal issues, student housing, and student affairs topics at ACUHO-I and NASPA regional and national/international conferences over the past 30+ years. I currently serve on the editorial board of the Journal of College and University Student Housing (2013-16), and previously served on the editorial board of the National Association of Student Personnel Administrators (NASPA) Journal (2000-03). I was assistant/associate editor of Synthesis: Law and Policy in Higher Education (1989-93), a publication I helped launch with Mr. Gary Pavela, J.D. in 1988, and which grew to a circulation of over 1,000 paid subscribers.

I received my B.S. in psychology, and M.A. in student personnel work in higher education from Ohio State University, and J.D. from the Catholic University of America School of Law. I am a member of the District of Columbia (active), Maryland (inactive), and U.S. Supreme Court bars. My wife Cesie and I, and our son Luke and our daughter Rachel live in Salem, Oregon, where we share our home with our dog JayD and cat Zen.

*ACUHO-I: Association of College and University Housing Officers
** NASPA: National Association of Student Personnel Administrators, Student Affairs Administrators in Higher Educ.
<table>
<thead>
<tr>
<th>Week</th>
<th>Topic</th>
<th>Reading Assignments</th>
<th>Learning Activities</th>
<th>Assignments Due</th>
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</thead>
<tbody>
<tr>
<td>1</td>
<td>Course introduction; Introduction to law, the law/policy connection; respect v. fear, mastery v. mystique; Judicial philosophy and “misconceptions”; Court systems – federal and state; Sources of Law – federal, state, local, institutional; Finding the law – in the law library (or law section of a library), and on line</td>
<td>Kaplin &amp; Lee <em>The Law of Higher Education</em>, pp. 1-32; Review the Table of Contents Cloud, <em>Legal Issues in the Community College</em>, pp. 1-3; Review Table of Contents</td>
<td>Student and Instructor – online Introductions, profiles, initial ques.</td>
<td>Assignments due Tuesdays at 5pm</td>
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<td>2</td>
<td>Overview of Community College-related law topics (including the “Top 10” issues for CC’s ); Policy &amp; Practice, and Law – intersections, integration, illustrations; Constitutional law and related legal issues; Federal statutes; state statutes; Due process and Codes of Student Conduct: the basics; Guest Presenter: Dr. Bruce Clemetsen, Vice President for Student Affairs, LBCC.</td>
<td>Kaplin &amp; Lee, pp. 62-65 Cloud, pp. 5 – 15 <em>Federal Statutes</em> – summary sheet <em>Due Process</em> – summary sheet</td>
<td>In-Box Discussion, Whole-Class Discussion</td>
<td>In-Box 1</td>
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<td>3</td>
<td>Equity &amp; inclusion, civil rights, discrimination, affirmative action; ADA, ADAA, Sec. 504, the Universal design approach to accessibility and learning environments; Title IX – equal opportunity, discrimination, sexual harassment and assault, reporting requirements; Guest Presenter: Angelo Gomez, J.D., Executive Director, OSU Office of Equity and Inclusion</td>
<td>Kaplin &amp; Lee: pp. 398-421; pp. 159-209; pp. 533-553 Cloud: pp. 17-27, 29-39 <em>Journal of College &amp; Univ. Law</em> article, <em>Higher Education and Disability Discrimination</em></td>
<td>Whole-Class Discussion</td>
<td>In-Box 2</td>
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<td>4</td>
<td>Torts, Risk Management, ERM, policy/practice/audits, resources [P. Hughes]; Case Study – Tort liability with a focus on negligence; prevention + response; Explore the concepts of tort liability, negligence and risk management, and how these are related; Guest presenter: Patrick Hughes, J.D., Chief Risk Officer, OSU</td>
<td>Kaplin &amp; Lee, pp. 97-124 Cloud, pp. 85-94 <em>URMIA White Paper on Enterprise Risk Management (ERM)</em>, Tort cases</td>
<td>In-Box Discussion, Risk Map,</td>
<td>In-Box 2</td>
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<td>5</td>
<td>Contracts, leases, agreements, and related documentation; Free speech (physical and virtual) – 6 major principles, 6 exceptions to the content regulation rule; Hate speech, harassment, unprotected speech, consequences of both inaction and action; Regulation of speech on campus – what is permissible, desirable, realistic</td>
<td>Kaplin &amp; Lee, pp. 345-353; 602-636; 33-44 <em>Contract Law cases: Mangla v. Brown University</em>, and <em>Meyer v. Community College of Beaver County</em>. <em>Journal of College &amp; University Law</em>, article <em>Race and Higher Education</em></td>
<td>Whole-Class Discussion, Policy Critique</td>
<td>Policy Critique</td>
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<td>6</td>
<td>Collective Bargaining – process, types; Negotiations – who, what, when, where; Employee relations, particularly as guided/mandated by a collective bargaining agreement; Guest presenter: Lisa Freiley, J.D., Director of Labor &amp; PACE Services/Staff Counsel for the Oregon School Boards Association</td>
<td>Cloud, pp. 41-49 Collective bargaining articles from Lisa Freiley Kaplin &amp; Lee, pp. 226-230.</td>
<td>In-Box Discussion, Whole-Class Discussion, Case Briefs</td>
<td>In-Box 3 Case Briefs</td>
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<td>7</td>
<td>Your law + policy team; Legal Learning Template for keeping current on the law and legal issues; developing your own; Crimes and Crises – Prevention, response, notification, reporting.</td>
<td>Kaplin &amp; Lee, pp. 476-490, 495-506; Cloud, pp. 95-102 <em>Websites IACLEA, Clery Center, Association of Title IX Administrators, FERPA</em></td>
<td>Whole-Class Discussion, Interview/ Report</td>
<td>I Wish I Had Know report</td>
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<td>8</td>
<td>Legal Memos – posting yours, and reading/responding to at least one other students’ Legal Memo; Identifying/Reviewing resources for keeping current on legal issues in community colleges; Legal Issues: Your future learning template; for further study, exploration; references and resources; Course Conclusion, Wrap-up Steps</td>
<td>Journal of College &amp; University Law, article: <em>Fifty Years of Higher Educ. Law</em> Campus Legal Information Clearinghouse, Findlaw Newsletters</td>
<td>Whole-Class Discussion, Legal Memo, My Legal Learning Template</td>
<td>Legal Memo My Legal Learning Template</td>
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</tbody>
</table>
**Instructor Availability, Expected Response Times**
I will visit the Canvas course website every Tuesday (the day assignments are due to be posted) and Thursday to review the Discussions, collect assignments, respond to questions, provide updates, and add my comments as I see appropriate and helpful. I may also visit the site on other days as I see necessary/helpful.

Questions should be posted to Canvas [Discussions] forums as much as possible, with individual emails to me being limited to specific 1:1 questions (e.g. on grades, requests for individual information, or matters that are not appropriate to be raised in Discussions). Students should expect a response to posted/emailed questions within 24 – 48 hours, Monday Noon through Friday Noon. Weekend emails or posts will normally receive a response on Monday afternoon or Tuesday morning.

**Discussion Participation**
Students are expected to participate in all required/graded discussions. While there is great flexibility in online courses, this is not a self-paced course. You will need to participate in our discussions on at least two different days each week – typically Tuesdays and Thursdays -- with your posts due no later than Thursday evening.

**Books and Materials**
Required:

Optional:
b. Law dictionary (a basic paperback edition would be fine)

**Assignments Overview and Schedule**
see also: Assignments listed for each week, and the [Assignments] tab on the Canvas course site

<table>
<thead>
<tr>
<th>Assignment</th>
<th>Week(s) Assigned</th>
<th>Week Due</th>
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</thead>
<tbody>
<tr>
<td>1. <em>In-Box Article / Item</em></td>
<td>1, 3, 5</td>
<td>2, 4, 6</td>
</tr>
<tr>
<td>2. <em>Case brief + Presentation</em></td>
<td>2</td>
<td>6</td>
</tr>
<tr>
<td>3. <em>Legal Memo/Research Paper</em></td>
<td>3</td>
<td>8</td>
</tr>
<tr>
<td>4. <em>Policy Critique</em></td>
<td>4</td>
<td>5</td>
</tr>
<tr>
<td>5. <em>I Wish I Had Known interview / report</em></td>
<td>5</td>
<td>7</td>
</tr>
<tr>
<td>6. <em>My Legal Learning Template (not graded)</em></td>
<td>7</td>
<td>8</td>
</tr>
</tbody>
</table>

[Note: You may begin work on any of the above assignments at any time in the course; dates (weeks) noted above are when the assignment will be presented and open for specific discussion on the Canvas site]
“In-Box”--Legal Issue Article + 1 page Writeup (5pts each, due: Weeks 2, 4, 6) 15
Rule/Policy review – Critique (due: Week 5) 5
Case brief and presentation (done in pairs, due: Week 6) 20
“I wish I knew then” Interview + Writeup (due: Week 7) 6
Law and Policy Memorandum (8-10 page research memo, due: Week 8) 30
Attendance and participation (3 pts per class/wk; incl. Future Learning Template) 24
Total 100

Incompletes
Incomplete (I) grades will be granted only in emergency cases (usually only for a death in the family, major illness or injury, or birth of your child), and if the student has turned in 80% of the points possible (in other words, usually everything but the final paper). If you are having any difficulty that might prevent you completing the coursework, please don’t wait until the end of the term; let me know right away.

Guidelines for a Productive and Effective Online Classroom
Students are expected to conduct themselves in the course (e.g., on discussion boards, email) in compliance with the university’s regulations regarding civility.

Civility is an essential ingredient for academic discourse. All communications for this course should be conducted constructively, civilly, and respectfully. Differences in beliefs, opinions, and approaches are to be expected. In all you say and do for this course, be professional. Please bring any communications you believe to be in violation of this class policy to the attention of your instructor.

Active interaction with peers and your instructor is essential to success in this online course, paying particular attention to the following:

- Unless indicated otherwise, please complete the readings and view other instructional materials for each week before participating in the discussion board.
- Read your posts carefully before submitting them.
- Be respectful of others and their opinions, valuing diversity in backgrounds, abilities, and experiences.
- Challenging the ideas held by others is an integral aspect of critical thinking and the academic process. Please word your responses carefully, and recognize that others are expected to challenge your ideas. A positive atmosphere of healthy debate is encouraged.

Statement Regarding Students with Disabilities
Accommodations for students with disabilities are determined and approved by Disability Access Services (DAS). If you, as a student, believe you are eligible for accommodations but have not obtained approval please contact DAS immediately at 541-737-4098 or at http://ds.oregonstate.edu. DAS notifies students and faculty members of approved academic accommodations and coordinates implementation of those accommodations. While not required, students and faculty members are encouraged to discuss details of the implementation of individual accommodations.

Accessibility of Course Materials
All materials used in this course are accessible. If you require accommodations please contact Disability Access Services (DAS).
Additionally, Canvas, the learning management system through which this course is offered, provides a vendor statement certifying how the platform is accessible to students with disabilities.
Expectations for Student Conduct
Student conduct is governed by the university’s policies, as explained in the Student Conduct Code.

Academic Integrity
Students are expected to comply with all regulations pertaining to academic honesty. For further information, visit Student Conduct and Community Standards, or contact the office of Student Conduct and Mediation at 541-737-3656.

OAR 576-015-0020 (2) Academic or Scholarly Dishonesty:

a) Academic or Scholarly Dishonesty is defined as an act of deception in which a Student seeks to claim credit for the work or effort of another person, or uses unauthorized materials or fabricated information in any academic work or research, either through the Student's own efforts or the efforts of another.

b) It includes:

(i) CHEATING - use or attempted use of unauthorized materials, information or study aids, or an act of deceit by which a Student attempts to misrepresent mastery of academic effort or information. This includes but is not limited to unauthorized copying or collaboration on a test or assignment, using prohibited materials and texts, any misuse of an electronic device, or using any deceptive means to gain academic credit.

(ii) FABRICATION - falsification or invention of any information including but not limited to falsifying research, inventing or exaggerating data, or listing incorrect or fictitious references.

(iii) ASSISTING - helping another commit an act of academic dishonesty. This includes but is not limited to paying or bribing someone to acquire a test or assignment, changing someone's grades or academic records, taking a test/doing an assignment for someone else by any means, including misuse of an electronic device. It is a violation of Oregon state law to create and offer to sell part or all of an educational assignment to another person (ORS 165.114).

(iv) TAMPERING - altering or interfering with evaluation instruments or documents.

(v) PLAGIARISM - representing the words or ideas of another person or presenting someone else's words, ideas, artistry or data as one's own, or using one's own previously submitted work. Plagiarism includes but is not limited to copying another person's work (including unpublished material) without appropriate referencing, presenting someone else's opinions and theories as one's own, or working jointly on a project and then submitting it as one's own.

c) Academic Dishonesty cases are handled initially by the academic units, following the process outlined in the University's Academic Dishonesty Report Form, and will also be referred to SCCS for action under these rules.

Conduct in this Online Classroom
Students are expected to conduct themselves in the course (e.g., on discussion boards, email postings) in compliance with the university's regulations regarding civility.

Tutoring
NetTutor is a leading provider of online tutoring and learner support services fully staffed by experienced,
trained and monitored tutors. Students connect to live tutors from any computer that has Internet access. NetTutor provides a virtual whiteboard that allows tutors and students to work on problems in a real time environment. They also have an online writing lab where tutors critique and return essays within 24 to 48 hours. Access NetTutor from within your Canvas class by clicking on the NetTutor button in your course menu.

**OSU Student Evaluation of Teaching**
Course evaluation results are extremely important and are used to help me improve this course and the learning experience of future students. Results from the 19 multiple choice questions are tabulated anonymously and go directly to instructors and department heads. Student comments on the open-ended questions are compiled and confidentially forwarded to each instructor, per OSU procedures. The online Student Evaluation of Teaching form will be available toward the end of each term, and you will be sent instructions via ONID by the Office of Academic Programs, Assessment, and Accreditation. You will log in to “Student Online Services” to respond to the online questionnaire. The results on the form are anonymous and are not tabulated until after grades are posted.

*END of Course Syllabus*